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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,231	03/09/2005	Murali Punaganti	60091.00383	2870

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EXAMINER
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APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,231	<b>Applicant(s)</b> PUNAGANTI ET AL.	
	<b>Examiner</b> Charles N. Appiah	<b>Art Unit</b> 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/9/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on March 09, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

### ***Claim Objections***

2. Claims 6-8 are objected to because of the following informalities:

It appears claims 6 and 7 should be made dependent on claim 5 to provide proper antecedent basis for the limitations "said converting comprises text-to-speech synthesis" in claim 6 and "said converting" in claim 7.

Claim 8 should depend on claim 7, to provide proper antecedent basis for the limitation "said plurality of predetermined voice messages".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuchi et al. (6,275,690).

Regarding claims 1, 11 and 14 Higuchi discloses a method and an apparatus for processing a voice call establishment request from a calling terminal to a called terminal, the method comprising: detecting the call establishment request (mobile telephone entering standby state and remaining in this state until receiving call reception signal destined thereto, see col. 6, lines 4-7), in response to the detecting alerting the called terminal (recognition of incoming call and letting the user know of the reception of an incoming call with incoming call notification, see col. 6, lines 7-13), setting up a two-way connection between the calling terminal and the called terminal (), determining that a two-way voice call between the calling terminal and the called terminal is not allowed (user does not respond to the provided incoming call notification, see col. 6, lines 19-22), and receiving silent messages via user interface of the called terminal and/or calling terminal and conveying information based on the silent messages to the calling terminal and/or called terminal respectively (transmission of absence message for notifying the calling party that the user is now absent and initiating a recording operation, see col. 6, lines 22-37).

Regarding claim 2, Higuchi further discloses wherein the determining is based on detecting a predetermined input via the user interface of the called terminal after the alerting (user responding by manipulating a key while the reception of the incoming call is being notified to the user, see col. 6, lines 38-49).

Regarding claim 3, Higuchi further discloses wherein the determining is based on detecting a predetermined profile associated with the called terminal, the

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profile being set prior to the alerting (storage of messages generated for responding to an incoming call, see col. 5, lines 37-67, col. 6, lines 60-67 and col. 7, lines 26-40).

Regarding claim 4, Higuchi further discloses wherein the two-way connection is or comprises a chat connection (entering of communication state with an any-key-answer function invocation, see col. 6, lines 45-49).

5. Claims 1-13, 14, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lele et al. (6,185,433).

Regarding claims 1, 11 and 14 Lele discloses (with reference to Fig. 5), a method and an apparatus for processing a voice call establishment request from a calling terminal to a called terminal, the method comprising: detecting the call establishment request (receive voice communication from calling device, step 503, col. 8, lines 51-58), in response to the detecting, alerting the called terminal (transmission of voice communication to called device, step 505, col. 8, lines 57-58 and col. 4, lines 4-11), setting up a two-way connection between the calling terminal and the called terminal (see col. 8, lines 55-58), determining that a two-way voice call between the calling terminal and the called terminal is not allowed (called device being in the busy operational mode, see col. 8, lines 55-62), and receiving silent messages via user interface of the called terminal and/or calling terminal and conveying information based on the silent messages to the calling terminal and/or called terminal respectively (reception of data message from the called device indicating that the called device is in the busy operational mode, see col. 8, lines 59-64).

Regarding claim 2, Lele further discloses wherein the determining is based on detecting a predetermined input via the user interface of the called terminal after the alerting (see col. 4, lines 12-29).

Regarding claim 3, Lele further discloses wherein the determining is based on detecting a predetermined profile associated with the called terminal, the profile being set prior to the alerting (plurality of user defined messages pre-stored in the memory of the called device, col. 7, lines 25-44).

Regarding claim 4, Lele further discloses wherein the two-way connection is or comprises a chat connection (see col. 3, line 55 to col. 4, line

Regarding claims 5 and 6, Lele discloses wherein the conveying comprises converting the silent messages to speech wherein the converting comprises text-to-speech synthesis (calling device does not include a text message display, user being informed of the target user's busy operational mode by converting the data message to a voice message, see col. 8, lines 36-50).

Regarding claims 7 and 8 Lele further discloses wherein the converting comprises receiving an indication of one of a plurality of predetermined voice messages, wherein the plurality of predetermined voice messages is dimensioned such that any predetermined voice message is selectable without moving fingers on the user interface (see col. 7, lines 21-43).

Regarding claim 9, Lele further discloses wherein the determining step is carried out by a network element (infrastructure receiving data message from the called

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device indicating that the called device is in the busy operational mode, see col. 8, lines 59-64).

Regarding claim 10, Lele further discloses wherein the converting step is carried out by a network element (see col. 8, lines 44-50).

Regarding claims 12 and 15, Lele further disclose wherein the apparatus is located in a network element (see col. 8, lines 51-54).

Regarding claims 13 and 16, Lele further discloses wherein the apparatus is located in the called terminal (see Fig. 3, col. 56-65).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahlberg et al. (5,657,372) discloses a system for selectively accepting telephone calls without establishing voice communications.

Nakamura et al. (6,553,221) discloses a system for incoming call notification to an unavailable terminal.

Bach et al. (6,757,534) discloses a cellular phone with special mode.

Makela et al. (6,301,338) discloses a system for activation of a telephone messaging system for answering telephone calls.

Kimura (5,758,280) discloses a radiotelephone apparatus having stored responses to match a calling apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**